



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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May 3, 2005

IN REPLY PLEASE

REFER TO FILE: PD-1

TO: Each Supervisor

FROM: Donald L. Wolfe
Acting Director of Public Works

ALAMEDA CORRIDOR EAST (ACE) PROJECT APRIL 25, 2005, MEETING

On April 25, 2005, a member of my staff attended the regular meeting of the San Gabriel Valley Council of Governments - ACE Construction Authority. A copy of the agenda and the adopted minutes of the March 28, 2005, meeting are attached. The following items occurred at the meeting, which are of interest to the County.

Under Agenda Item VI, the Chief Executive Officer reported on the status of environmental mitigation efforts for ACE projects. The California Environmental Quality Act requires that agencies develop an environmental mitigation monitoring program and report on the status of mitigation efforts quarterly. All ACE projects are compliant with the monitoring program.

Under Agenda Item VII, the ACE Construction Authority Board approved a Resolution of Necessity for Property Acquisition for a parcel associated with the Brea Canyon Road Grade Separation project. This resolution is needed to begin the eminent domain process. The ACE Construction Authority is currently engaged in good faith negotiations with the property owner but must begin the eminent domain process due to time constraints and the possibility that negotiations might fail. The property in question is located in the City of Diamond Bar.

Under Agenda Item VIII, the ACE Construction Authority Board approved an amendment to Lim and Nascimento Engineering Corporation's construction management services contract for the Nogales Street Grade Separation project. The amendment is for \$845,000 of additional services and will bring the total contract value to \$4,359,000. The amendment covers costs associated with an increase in the length of the project duration and the inclusion of additional services not covered by the original contract.

Each Supervisor
May 3, 2005
Page 2

Under Agenda Item IX, ACE Construction Authority staff reviewed transportation legislation currently under consideration in Sacramento. A summary table listing highlights of each bill is attached to these minutes. The ACE Construction Authority Board ultimately voted to support and work with the author on Assembly Bill 267 (Daucher), Assembly Bill 453 (Benoit), Assembly Bill 1276 (Oropeza), Senate Bill 275 (Torlakson), and Senate Bill 601 (Soto). A position will be taken on the Nunez Financing Proposal at a future Board meeting.

The meeting was adjourned in the memory of former Fourth District Supervisor Deane Dana, who recently passed away.

The next meeting of the ACE Construction Authority Board will be on May 23, 2005, at the Irwindale City Hall at 2 p.m.

RB:dv

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Attach.

cc: Chief Administrative Office
Executive Office



Alameda Corridor-East Construction Authority

4900 Rivergrade Rd. Ste A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org

REGULAR MEETING AGENDA Monday, April 25, 2005 - 2:00 P.M. Irwindale City Hall - Council Chambers 5050 Irwindale Avenue Irwindale, CA 91706

Members of the public may comment on any item on the agenda at the time it is taken up by the Board. We ask that members of the public come forward to be recognized by the Chair and keep their remarks brief. If several persons wish to address the Board on a single item, the Chair may impose a three- minute time limit on individual remarks at the beginning of discussion.

- | | | |
|-------|---|-------------|
| I. | Roll Call and Introductions | |
| II. | Pledge of Allegiance | |
| III. | Approval of Minutes - Regular Meeting of March 28, 2005 meeting (Pages 1-5) | Action |
| IV. | Public Comment | |
| V. | Chairman's Remarks | Information |
| VI. | Chief Executive Officer's Report (Pages 6-19) | Information |
| VII. | Hearing on Resolution of Necessity for Property Acquisition for Brea Canyon Road Grade Separation in the City of Diamond Bar (Pages 20-27) | Action |
| | • Resolution No. 05-01 - 650 Brea Canyon Road Diamond Bar, CA | |
| VIII. | Approval of Contract Amendment for Construction Management Services for the Nogales Street Grade Separation with Lim & Nascimento Engineering (Pages 28-29) | Action |
| IX. | Approval of State Positions (Pages 30-36) | Action |
| | • Nunez Financing Proposal - Support | |
| | • AB 267 (Daucher) - Support and work with author | |
| | • AB 453 (Benoit) - Support and work with author | |
| | • AB 1276 (Oropeza) - Support and work with author | |
| | • SB 275 (Torlakson) - Support and work with author | |
| | • SB 601 (Soto) - Support and work with author | |

The ACE Construction Authority is currently constituted of seven (7) member jurisdictions: the City of El Monte, the City of Industry, the City of Montebello, the City of San Gabriel, the City of Pomona, the County of Los Angeles, and the San Gabriel Valley Council of Governments. A San Bernardino County Council of Governments representative is an ex officio Board member.

Each member or alternate has one vote. A quorum of the ACE Construction Authority is no less than four (4) of its total voting membership. Actions taken by the ACE Construction Authority shall be by simple majority of the members present with a quorum in attendance except for personnel actions, the annual budget, matters dealing with the Administrative Code or matters requiring subsequent approval by the SGVCOG, all of which shall require five (5) votes.

All items set forth on this agenda may be subject to action.

- | | | |
|-------|---|-------------|
| X. | Selection of New Letter of Credit Bank and Bond Counsel (Pages 37-38) | Information |
| XI. | Ramona Blvd. Grade Separation Environmental Mitigation Monitoring Program (Pages 39 42-) | Information |
| XII. | Quarterly Report (Pages 43-61) | Information |
| XIII. | Adjournment | Action |



**ACE Construction Authority
Regular Board Meeting
March 28, 2005
Minutes**

Chairman Ernest Gutierrez called the meeting to order at the Irwindale Council Chambers on March 28, 2005 at 2:05 PM.

1. In attendance were:

Ernest Gutierrez, El Monte
Harry Baldwin, San Gabriel
Michael Antonovich, LA County
Ed Cortez, Pomona
Ed Vasquez, Montebello
Carol Herrera, SGVCOG
Jeff Parriott, Industry
Paul Eaton, Ex Officio, SANBAG

Staff

Rick Richmond, Chief Executive Officer
Joe Silvey, Legal Counsel
Sharon Neely, staff
Deanna Stanley, staff
Cynthia Ambrose, staff
Girish Roy, staff
Bruce Armistead, staff
Lou Cluster, staff

Guests

David Varnam, Congressman Miller's Office
Russ Bryden, County of LA
Katy Rzonca, Mayor of Walnut, SGVCOG Alternate

2. Pledge of Allegiance

Member Cortez led the pledge of allegiance.

3. Approval of Regular Meeting minutes of February 28, 2005.

A motion was made to approve the meeting minutes of February 28, 2005.
M/S/C: Cortez/Baldwin/Unanimous

4. Public Comments

There were no public comments.

5. Chairman's Remarks

Chairman Gutierrez thanked Councilmember Jeff Parriott and the City of Industry for hosting a lovely memorial service for the late Board member and Council member Jack Phillips. Mr. Parriott acknowledged the service attendance was very complimentary to Jack's legacy. The Chairman indicated today's meeting would be adjourned in memory of Jack Phillips.

Chairman Gutierrez reported that members Carol Herrera, Harry Baldwin, and he participated in meetings with legislators and their staff March 14 and 15 in Washington, DC. He indicated the jointly hosted dinner was a success with John Flaherty, Chief of Staff to Secretary of Transportation Norm Mineta as the guest speaker.

Chairman Gutierrez and the Board presented a plaque to Harry Baldwin in recognition of his past service as Chairman.

6. Chief Executive Officer's Report

Rick Richmond reminded the Board of the Economic Partnership's Legislative Networking Reception on Friday, April 1st at 5:30 at The Alhambra in the City of Alhambra. He reported that the Federal Railroad Administration had deferred implementing the quiet zone regulations to June 24th. Mr. Richmond also reported that an outreach meeting was scheduled to review the Brea Canyon Road grade separation project on April 6 at Walnut Elementary School in the City of Diamond Bar.

Mr. Richmond acknowledged and welcomed Katy Rzonca, Mayor of Walnut and alternate to member Herrera on the ACE Board.

Mr. Richmond reviewed the Nogales Street railroad bridge. He reported that during the tensioning process, the bridge did not seat evenly on the bridge bearing pads. He indicated that long-term bridge maintenance was of particular concern to the Union Pacific who has that responsibility. Mr. Richmond indicated the contractors, designers, Union Pacific and ACE staff have worked extensively to reach agreement on resolving this issue. He reviewed the approved process for achieving uniform bearing and reported this refinement will begin within the next two weeks and will take two weeks to complete. He also noted that resolution of financial obligations for the bridge refinement would be discussed with all parties involved after it is successfully implemented.

Lou Cluster, Sr. Project Manager presented the Board a visual of the process of retaining walls construction at the Nogales Street Grade Separation. He also reviewed recent installation of soundblankets on top of current fencing between the construction area and the adjacent residences on the north side of Ramona

Boulevard, as well as the completed demolition for pre-construction of the Ramona Blvd. grade separation. Bruce Armistead reviewed construction activities at Reservoir Street. George Nomura reviewed the highlights of the Bechtel/Korve program management activities.

7. Approval of Contract Amendment for Design Services for the Ramona Blvd. Grade Separation with DMJM+Harris

Lou Cluster reviewed the scope for the two-track bridge substructure proposed by Metrolink. He reported that Metrolink requested this design and construction for future expansion capacity and that Metrolink would fund this portion of the project.

A motion was made to authorize the Chief Executive Officer to amend the contract with DMJM+Harris to add \$130,000 for design services of the Ramona Blvd. grade separation for a new contract value of \$3,130,577.
M/S/C: Cortez/Herrera/Unanimous

8. Approval of Plans, Specifications and Estimates for the Sunset Ave. Grade Separation Project

Girish Roy reviewed the plans, specifications and estimates for the Sunset Avenue grade separation project which includes construction of a double track railroad bridge overpass at Sunset Ave in the City of Industry, construction of retaining walls and embankments and modifications to existing streets, driveways and utility relocations along the right-of-way. Mr. Roy indicated bids would be due in July 2005 with an expected award date of September and project completion in January 2008.

A motion was made to approve the plans, specifications and estimates for the Sunset Ave grade separation project in the City of Industry and County of LA, and authorize staff to solicit construction bids.

M/S/C: Antonovich/Parriott/Unanimous

9. Acceptance of IRRIS Field Traffic Devices and Close out of Contract with Dynalectric

Mr. Richmond reviewed scope of the IRRIS field traffic devices contract. He also reported that final contract value was below the Board approved contract value by \$119,267 and the DBE subcontracting goal of 6% exceeded the 3% goal. He also indicated there were some ongoing tests with IRRIS, which would not affect the close-out of this contract.

A motion was made to accept the IRRIS field traffic devices as being satisfactorily complete in conformance with the project specifications, contingent

upon signed approval from the host jurisdiction, the City of Pomona; and Approve final retention payment of \$186,975.04 to KDC Inc. dba Dynalectric thirty-five (35) days after the Notice of Completion is filed, if no claims or objections have been filed, and upon concurrence of the Chief Executive Officer; and Authorize release of Labor and Materials Bond and the Faithful Performance Bond upon expiration of the required lien period, if no claims or objections have been filed, upon concurrence of the Chief Executive Officer.

M/S/C: Cortez/Gutierrez/Unanimous

10. Approval of Support of SB 760

Sharon Neely reviewed the SB 760 introduced by Senator Lowenthal which imposes a \$30 container fee at the Ports of Los Angeles and Long Beach. The bill would require the ports to retain 1/3 of the funds, with the remainder divided equally between the South Coast Air Quality Management District (SCAQMD) and the California Transportation Commission (CTC). The bill would require the ports to use the funds for security. The bill would require the SCAQMD to use the funds to mitigate pollution caused by movement of cargo to and from the ports. The CTC could use the funds for congestion relief or other projects that facilitate movement of cargo by rail. The bill would require the CTC to use funds to alleviate congestion on highways serving ports by improving the rail system and prohibit the CTC from using funds to construct maintain or improve highways. Staff recommended support of this bill. Supervisor Antonovich indicated that he believed the CTC share of the container fee should be increased to 60% since there was no established funding program for the proposed programs in the legislation (congestion relief) and that the Ports and SCAQMD would share the remaining 40% equally with the understanding that they had established funding sources. Mr. Antonovich reminded the Board that he also sits on the SCAQMD Board.

A motion was made to transmit a letter of support to Senator Lowenthal and to work with author to amend the language of the bill to increase the funding share to the CTC to 60% with the remainder split between SCAQMD and the Ports.

M/S/C: Antonovich/Herrera/Unanimous

11. Approval of Support of S.197 (Boxer) and HR 603 (Watson) Rail Crossing Safety Act

Sharon Neely reviewed the background of the S. 197 and HR 603 named the Rail Crossing Safety Act which directs the Secretary of Transportation to conduct a study of the impact of blocked highway-railroad grade crossings in emergencies. Upon completion of the study the Act directs the Secretary to award grants to states and local agencies for completion of tunnels, bridges and grade separations based upon priority of improving safety.

A motion was made to support S.197 and HR 603 and transmit letters of support to the authors.

M/S/C: Baldwin/Parriott/Unanimous

12. Adjournment

The meeting was adjourned in memory of the late ACE Board Member and Councilmember Jack Phillips at 1:52 PM.

M/S/C: Cortez/Vasquez/Unanimous



Alameda Corridor-East Construction Authority

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MEMO TO: ACE Construction Authority Board Members & Alternates

FROM: Rick Richmond
Chief Executive Officer

DATE: April 25, 2005

SUBJECT: CEO Monthly Report

The following are items of note since the last meeting:

FY '06 Federal Appropriations Legislative Update – ACE has submitted a \$35 million FY '06 Federal appropriations request for right-of-way and construction of the Baldwin Avenue project in El Monte to both the House and Senate Transportation Appropriations Committees. Congressman Dreier is the sponsor member from the House and the request is supported by the other Valley congressional members (Gary Miller, Adam Schiff, Hilda Solis, and Grace Napolitano). Senators Feinstein and Boxer submitted the same FY'06 request.

Federal Transportation Reauthorization Legislation Update – The House approved on March 16th a FY '04-09 \$284 billion reauthorization bill. The bill is a 41% increase over the current TEA-21 funding levels and includes a number of new goods movement funding programs (Freight Intermodal Connectors Program, Projects of National Significance, and National Corridor Infrastructure Improvement Program). In addition, the Senate Environment and Public Works Committee approved a mark-up for its reauthorization bill (S. 1072) on March 17th. S.1072 does not have the same funding level commitments nor the additional goods movement programs included in HR 3. It is anticipated that the Senate will consider approval of S. 1072 during mid May. The current bill's authorization has been extended to June 1, 2005. Given the limited the limited days of floor time in May, it is unclear whether the Conference Committee will be able to resolve key policy differences between the two bills and have the bill go back to the respective houses for concurrence within that time frame. It is likely the bill may be extended to July or August.

Community Outreach Update - Staff has conducted the following project outreach activities:

1. Provided support for community outreach meeting regarding Brea Canyon Road grade separation project in City of Diamond Bar/City of Industry held on April 6;

2005 LEGISLATION SUMMARY

Current as of April 25, 2005

BILL NO. Subject (S)	AUTHOR	SUMMARY	COMMENTS	STATUS	OUTSIDE AGENCY POSITIONS	RECOMMENDED POSITION
AB 509 New fee Transportation	Richmond	Authorizes regional transportation agencies to enter into agreements to finance regional user-fee based transportation projects.	Currently spot bill. Does not specify fee amount, limit to fee, and how fee would be distributed	Pending	League: Watch MTA Board Committee Approved, Support Work with Author. Going to Board 4/28 for action. SGVCOG Board: Monitor	Monitor
AB 1276 Transportation	Oropeza	Requires Caltrans, in cooperation with regional transportation planning agencies, to establish a task force for the purposes of developing a strategy for avoiding congestion along the state's intermodal corridors of economic significance, and to develop and apply freight oriented performance measures on those corridors.	A list of economically significant corridors would be developed. It is assumed that this list would be given some priority by CTC and Caltrans should new funds become available in the future.	Referred to Transportation Committee	League: Watch SGVCOG Board Approved Support, Work with Author to ensure that ACE Project is included. MTA Board Committee Approved Support, Work with Author. Will take action at 4/28 meeting.	Support, Work with Author to ensure that ACE Project is included in list of intermodal corridors of economic significance
AB 267 Transportation	Daucher	Provides increased flexibility for state STIP project components to expend local funds while waiting for CTC to make an allocation.	Because the state has not allocated any new funds since 2002, local agencies are using local funds for STIP projects until new allocations are available. This bill provides flexibility for moving funds around	Amended April 12. Transportation Committee approved 4/18 (9 Ayes, 1 No). Referred to Approps.	SGVCOG Board, Support, Work with Author CTC Testified of concerns and will work with Author.	Support, Work with Author

2005 LEGISLATION SUMMARY Current as of April 25, 2005

			project components of an approved project.			
AB 453 Transportation	Benoit	As amended provides one additional year for local agencies to complete PUC-funded grade separation projects and tightens allocation approval requirements.	Of limited interest since it pertains to PUC-funded projects.	Passed Transportation Committee 9-0 on April 12. Referred to Approp's Com.	Metrolink: Support City of Riverside: Support SGVCOG: Support, Work with Author	Support, Work with Author
AB 489 Transportation	Bermudez	Delays by one year, to January 2006, reports by LA/Long Beach Ports regarding utilization and congestion and off-peak operations data.	Data would clarify how much real delay is occurring in moving containers through ports.	Passed Approp's on April 13 and referred to Consent Calendar.	SGVCOG: Monitor	Monitor
AB 1406 Transportation	Karnette	Imposes a \$10 port container fee to be used solely for homeland security measures.	This bill is not as comprehensive as AB 760 for port mitigation noted elsewhere.	Pending in Trans. Com.	SGVCOG: Monitor	Monitor
AB 1714 Transportation	Plescia	Legislation to address Bay bridge cost overrun primarily funded with increased tolls.	Administration is backing this bill. Amended 4/18. Changes not significant.	Hearing Trans. Com. 4/25	OCTA: Support RCTC: Support MTA: Monitor SGVCOG: Monitor	Monitor
SB 459 Transportation Air Quality New Fee	Romero	This bill would authorize the AQMD to adopt a locomotive emission impact mitigation fee to be imposed on specified railroad companies that operate in whole or in part within the County of Los Angeles, the County of Orange, the County of Riverside, the County or San Bernardino, or any combination thereof, if specified requirements are met.	This bill is a package of related bills along with AB 888 and AB 1222 to address air quality emissions from the railroads and the ports. The fee is not specified nor is there a cap. AB 760 imposes a \$30 container fee in part for air quality emissions mitigations as well, and may be the more comprehensive solution since funding is also provided for security and infrastructure mitigation.	Amended April 12 in Approp's Com. Hearing set 4/25	League: Watch Support: City of El Monte; South Bay COG; Teamsters; Environmental Organizations SGVCOG: Support, work with Author to ensure ACE Grade Separations are eligible.	Monitor

2005 LEGISLATION SUMMARY

Current as of April 25, 2005

SB 601 Transportation funding	Soto	Enact the Build California Bond Act of 2006 to authorize \$3 billion in state general obligation bonds for specified projects, including construction of highway and public transportation projects that are significant for the state, reduce congestion, provide for safety and facilitate the movement of goods into, through, and out of state.	Bill is first to specifically provide funding for goods movement infrastructure related needs.	Read second time. Amended April 12. Pulled from April 19 th Committee meeting with intent to merge with SB 1024 (Perata)	League: Watch SGVCOG Board: Support, Work with Author	Oppose: Calif. Chamber, Calif. Railroad Industry, Calif Trade Coalition	Support, Work with Author
SB 760 Transportation Container Fee	Lowenthal	A \$30 container fee would be imposed for shipping containers processed in the Port of Los Angeles and the Port of Long Beach. 1/3 fees go to ports for security, 1/3 fees go to AQMD for air quality mitigation and 1/3 go to Calif. Transportation Commission for intermodal infrastructure support projects.	A container fee has been discussed and supported by transportation agencies in southern California as a way of financing goods movement infrastructure needs for the last several years. ACE Construction Authority Board approved supporting and work with Author to increase CTC share of fees to 60% and the remaining fees split between ports and AQMD. The reasoning for the recommendation is based upon the documented infrastructure support need and the state has not funded any projects since 2002.	Passed (5 Ayes, 2 Noes) 4/18 in Senate Environ. Quality (Minor amendments accepted). A Goods Movement hearing has been set for May 4 th . The Administration is expected to present their plan on goods movement.	Support: ACE Construction Authority Board; Natural Resources Defense Council SGVCOG Board Support, Work with Author to reflect ACE language. Oppose: Calif Chamber of Commerce; Calif. Trade Coalition	Supported at last Board meeting. Letter sent. Met with staff to work with Author to increase CTC share of fees to 60% and clarify language of eligibility that fees can be used for goods movement projects that are eliminating congestion caused by increased container growth from the ports.	
SB 1024 Transportation \$7.7 b Bonds	Perata	\$7.7 billion general obligation bonds proposed—\$2.3 billion to repay borrowed Prop 42 funds, \$1.3 b for Bay Bridge fix; \$1 b for levee improvements; \$2.5 b for the California Ports	This bill is senate proposal to Speaker Nunez bond and financing proposal noted elsewhere for transportation funding. Would specifically	Set for Senate Transportation Committee April 19. Hearing cancelled.	League: Watch SGVCOG Board: Monitor		Monitor

2005 LEGISLATION SUMMARY

Current as of April 25, 2005

		Infrastructure, Security and Air Quality Improvement Account of which \$2 b shall be transferred to the Global Gateways Improvement Fund to be allocated by the CTC for federally designated trade corridors of national significance; \$400 m to mitigate port emissions; \$425 m for affordable housing.	provide for Bay Bridge cost overrun, where Nunez proposal leaves open how much state would pay (versus increase in tolls). 2/3 vote required. This proposal is more favorable to northern counties and does not provide the same level of overall increase in transportation funding as the Nunez proposal. Staff believes the two leaders will meet and develop compromise package.			
SB 275 Transportation	Tortakson	Requires CTC working with Caltrans and regional agencies to submit by 10/1/06 a 10-year state transportation needs assessment	This bill is a continuation of SR 8 (Karnette) attempting to establish overall list of state transportation priorities	Passed Transportation Committee on April 11 and referred to Approp's Com.	MTA Board Committee Supported. Will go to Board 4/28. SGVCOG Board: Support, Work with Author.	Support, Work with Author

Note: Additional Actions taken since Agenda Distributed

- Nunez Proposal-MTA Board Committee approved 'Work with Author'. Will go to Board 4/28.
- GoCalifornia Package-MTA Board Committee approved "Support, Work with Author". Will go to Board 4/28.
- Prop 42 Loophole Legislation-SGVCOG Board approved supporting the principle of legislation which fixes the loophole in Prop 42 allowing transportation funds to be suspended for deficit budget purposes (there are currently eight bills pending dealing with Prop 42 loophole). ACE Board took a support position at last month's meeting.